

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NORTH DAKOTA**



FREQUENTLY ASKED QUESTIONS

Can you provide me with basic information regarding CM/ECF?

CM/ECF is a case management program that allows attorneys to file petitions and other documents electronically with the bankruptcy court through the internet by using a standard web browser. This results in an electronic "case file." Therefore, case information, including dockets and documents is available for examination electronically via the Internet from any location, such as an office, home, or even the library. CM/ECF will replace the court's current case management system (BANCAP) and become the primary method for docketing and filing documents with the court. Implementation of CM/ECF will begin in September, 2003. We anticipate offering ECF to our customers in the June - September, 2004 time frame. Further information regarding the implementation plan will be offered at a later date

What are the benefits of CM/ECF?

The CM/ECF system allows the court to accept documents filed over the Internet 24 hours per day, 7 days per week with the exception of required maintenance periods. The program has immediate confirmation to filers of documents; automatic e-mail notice of case activity; 24-hour access to electronic files to view and print docket sheets, claims registers, and other reports; reduced paper and copying costs; and reduced courier and mailing costs.

How does electronic filing work?

To file electronically, attorneys create their documents on their computers just as they normally do. Instead of printing the document on paper, however, attorneys save it in a portable document format that can be read by others with all formatting intact regardless of the type of computer or word processor they use. Attorneys then access the electronic filing system through their Internet provider over the World Wide Web. After establishing their identity providing a court assigned user identification name and password that serves as their signature for electronically filed documents, attorneys indicate the case number that their document applies to, the party the document is being filed on behalf of, and the type of document (answer, motion, etc.) being filed. The document is then sent over the internet to

the court's computer which immediately sends a receipt back to the attorney's screen verifying that the document been received. The receipt can be printed or saved to disk for future reference. Additionally, the system automatically creates a docket entry and makes both the updated docket sheet as well as the document itself instantly available to anyone with access to the Internet and a PACER account. The system also sends e-mail notification of the filing to case participants who are registered to use the CM/ECF system.

Will CM/ECF become mandatory for our customers?

We will be required to utilize the case management component of the CM/ECF system because the prior BANCAP docketing system will be discontinued upon going "live." At this time there are no plans to require all parties to file pleadings or other papers electronically.

What are the fees for using CM/ECF?

There is no access fee to file documents electronically through CM/ECF, although existing document filing fees do apply. Litigants receive one free copy of documents filed electronically in their cases, which they can save or print for their files.

All users, except exempt government agencies, will be assessed a fee to view CM/ECF cases and documents. Directed by Congress to fund electronic access through user fees, the judiciary has set the fee at the lowest possible level to recoup program costs. Currently the fee is set at seven cents per page, with a maximum cost per document of \$2.10. PACER accounts will be required and may be obtained by either contacting the PACER Service Center by telephone between 8:00 a.m. and 5:00 p.m. Monday - Friday CST at 800-676-6856 or visit their website at <http://pacer.psc.uscourts.gov>

What about signatures on documents filed electronically?

At present, this is a matter for local court rule or order. All courts using electronic filing are currently treating use of an attorney's unique system login and password as a signature. Most of the courts require that attorneys retain copies of critical paper documents, such as affidavits or bankruptcy petitions, containing original signatures of parties for a set period of time.

How will the debtor's original signature be preserved?

The procedures for preserving the debtor's original signatures vary among the courts. In some courts, the debtor's originally signed declaration concerning the petition and schedules is stored in the clerk's office. Other courts have procedures requiring attorneys to keep the original documents. In most cases, signatures on electronically submitted documents will be indicated with "/s/" above the party's typed name. These details will be worked out as part of our implementation plan.

What is Adobe Acrobat?

All documents filed in CM/ECF must be in PDF format. Adobe Acrobat is a commercial software package that enables you to save your documents in PDF (Portable Document Format). Adobe also distributes a program called Acrobat Reader that allows you to view and print (but not create) PDF documents. The most recent version, 5.0 is available from retailers for approximately \$220 - \$250. The discount that Adobe previously offered to attorneys has been discontinued. However, there may be volume discounts that attorneys can receive if ordering multiple copies for their firm. The reader is available for free download at www.adobe.com.

How will we pay for filing fees?

The Department of Treasury, through its Financial Management Service (FMS), has established a mechanism to enable federal agencies to accept credit cards (Visa, MasterCard, Discover, American Express, Diners Club, Carte Blanche) for the collection of fees due to the government. This court may elect to participate in the program, which enables the court to collect fees in the most expeditious manner for documents filed both electronically and conventionally.

How will we receive notice?

The CM/ECF system will provide immediate e-mail notices to all attorneys involved in a case whenever a document is filed. To receive electronic notice of filings, attorneys must register to file electronically and must have the e-mail noticing feature of their court account activated.

How do I register?

In order to file documents electronically and to receive e-mail notices of documents that are filed, attorneys must be registered to file electronically. Registered users will be trained and certified. After registration and training, attorneys will be provided with an identification name and password that will allow access to the system. The identification name and password will also serve as the attorney's signature for Fed.R. Civ. P. 11 purposes on all documents that are filed electronically.

What are the system requirements?

Note: This Court does not endorse or support any vendor's products or software

System requirements:

- ▶ Intel Pentium II 350 MHz - Minimum 128 megabytes of RAM
- ▶ Internet access through an Internet service provider (ISP) communicating by cable modem or Point-to-Point Protocol (PPP) DSL - broadband connection
- ▶ Access to electronic mail (E-mail)

To view documents:

- ▶ Internet access using Netscape browser version 4.77 or higher available for download at www.netscape.com or Internet Explorer version 5.5
- ▶ Netscape version 6.0 is NOT compatible with ECF
- ▶ Do not use American On Line's version of Netscape Navigator, or a version of Netscape Navigator lower than 4
- ▶ Adobe Acrobat Reader version 4.0 or higher available for download at www.adobe.com

To process documents electronically:

- ▶ Word processing and/or petition software
- ▶ Any DOS based word processor will be insufficient since Adobe Acrobat software cannot generate PDF files
- ▶ Adobe Acrobat PDF writer 4.0 or higher*
- ▶ A scanner for imaging documents that do not exist in electronic format (PDF). Scanner must be capable of scanning 150 - 300 dpi black and white text. Scanning at higher resolutions, gray scale, or in color is NOT RECOMMENDED. The file size of the documents will be very large, creating abnormally long load and viewing times.

*Take precautions when installing and using Version 5 with CM/ECF. Adobe Acrobat Version 5 offers two packages for converting documents to PDF - Acrobat 5 *Distiller* and Acrobat 5 *Writer*. Adobe's standard installation automatically installs the *Distiller* package, the court strongly recommends that all CM/ECF users opt for the Custom installation and also install the *Writer*. The Acrobat 5 *Writer* converts files into PDF considerable faster and produces significantly smaller PDF files than Adobe 5 *Distiller*.

What windows based petition software is available?
This list is provided for informational purposes only
It is not an endorsement of any one product

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| Bankruptcy 2000 NewHope Software PO Box 1306 Mercer Island, WA 98040 | http://www.bankruptcysoftware.com |
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| Bankruptcy, Esq. Multimedia Abacus Corp. 9920 S. La Cienega Blvd. #720 Inglewood, CA 90301 | http://www.mmacorp.com/bankdnld.htm |
| TopForm Matthew Bender | http://www.bender.com |
| Total Bankruptcy Bit Legal Software 6434 Maple Dallas, TX 75235 | http://www.ad-apex.com |
| EZ Filing EZ-Filing, Inc. 899 Logan Street Denver, CO 80203-3155 | http://www.ezfilling.com |
| Best Case Bankruptcy Best Case Solutions, Inc. 600 Davis St Evanston, IL 60201 | http://www.bestcase.com |
| Bankruptcy Plus Cornerstone Computer Group Inc 1225 E Sunset Dr Bellingham, WA 98226 | http://www.cornerstone-computer.com |
| FreshStartSeven Bankruptcy Seaview Software, Inc. PO Box 95114 Seattle, WA 98145-2114 | http://www.freshstart.com |
| LawFirm Software.com 7 North Pinckney St Suite 240 Madison, WI 53703 | http://www.lawfirmsoftware.com |
| Wbank Puritas Springs Software 645 McKee Trail Hinckley, OH 44233-9209 | http://www.puritas-springs.com |

Bankruptcy forms are also available in pdf format from www.lawca.com or at <http://www.Ira4law.com/forms.htm> in Microsoft Word format.